

## **FACT SHEET STATEMENT OF BASIS**

### **GENERAL PERMIT FOR DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS UPDES PERMIT NUMBER UTR090000**

#### **PERMIT MODIFICATION**

#### **BACKGROUND**

The General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), UTR090000, was reissued by the Division of Water Quality (DWQ) on March 1, 2016. The renewed permit included more specific requirements than the previous permit for on-site retention of storm water; specifically, on site management of the 90<sup>th</sup> percentile storm event for new and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale. Permittees were to accomplish the storm water retention standard by requiring a process which evaluates a Low Impact Development (LID) approach which implements Best Management Practices (BMPs) that infiltrate, evapotranspire and harvest and reuse storm water.

In June 2016, DWQ became aware that certain stakeholder groups, notably the Utah Homebuilders Association (UHBA) and Utah League of Cities & Towns (ULCT) had not been engaged in the public involvement process with the MS4 Permittees during development of the permit. Subsequently, meetings were held with these stakeholders in order to understand their concerns and obstacles to implementation of the retention standard/LID requirements. In order to facilitate communication and collaboration with all stakeholders, DWQ proposes an extension of the timeframe for implementation of the retention standard and LID requirements to March 1, 2019. The over 2-year extension will allow permittees and home builder/developer groups to work through implementation issues and any communication gaps via a technical advisory committee in order to allow for LID practices to be implemented for future development/redevelopment in MS4 communities.

#### **PERMIT MODIFICATIONS**

Two modifications were made to Permit Part 4.2.5, Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management).

Permit Part 4.2.5.3.2 was modified to require permittees to implement a process to evaluate and encourage an LID approach for all new development or redevelopment projects disturbing greater than or equal to one acre, including projects less than one acre

that are part of a larger common plan of development or sale. By March 1, 2019, the permittees' program shall include a process which ***requires*** the evaluation of an LID approach for new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale.

The date for implementation of Permit Part 4.2.5.3.4 was modified from 180 days from the effective date of the Permit (September 1, 2016) to *March 1, 2019*. This permit provision requires new development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, to manage rainfall on-site and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 90th percentile rainfall event.

This modification affects only Permit Parts 4.2.5.3.2 and 4.2.5.3.4. All other permit conditions remain unchanged for this permit modification.

### **PERMIT DURATION**

It is recommended that this modified permit be effective for the remainder of the original permit renewal period of five (5) years. As stated in *UAC R317-8-5.1(1)*, UPDES permits shall be effective for a fixed term not to exceed five (5) years. Therefore, this Permit will be set to expire at midnight on February 28, 2021, five years after the effective date of reissuance.

The Permit Modifications and Fact Sheet Statement of Basis were drafted by Rhonda Thiele, MS4 Program Coordinator, Utah Division of Water Quality and Jeanne Riley, Storm Water Specialist, Utah Division of Water Quality on September 13, 2016.